

REFERENCE TITLE: legislative subpoenas

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# **SB 1361**

Introduced by  
Senators Mitchell, Brotherton: Aboud, Cannell, Cheuvront, Hale

AN ACT

AMENDING SECTIONS 41-1151 AND 41-1152, ARIZONA REVISED STATUTES; RELATING TO LEGISLATIVE SUBPOENAS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 41-1151, Arizona Revised Statutes, is amended to  
3 read:

4                  41-1151. Issuance and service of legislative subpoena;  
5                  approval; costs

6       A. A subpoena may be issued by the presiding officer of either house  
7 or the ~~chairman~~ CHAIRPERSON of any committee before whom the attendance of a  
8 witness is desired. The subpoena is sufficient if it states whether the  
9 proceeding is before the senate, THE house of representatives or a committee,  
10 is addressed to the witness, requires the attendance of the witness at a  
11 certain time and place, and is signed by either presiding officer or a  
12 committee ~~chairman~~ CHAIRPERSON. The subpoena may be served and returned in  
13 like manner as civil process.

14       B. BEFORE A CHAIRPERSON OF ANY COMMITTEE ISSUES A SUBPOENA UNDER THIS  
15 ARTICLE, THE PRESIDING OFFICER OF THE APPROPRIATE HOUSE OR A MAJORITY OF THE  
16 MEMBERS OF THE COMMITTEE SHALL APPROVE THE ISSUANCE OF THE SUBPOENA. THE  
17 APPROPRIATE HOUSE SHALL BEAR ANY COST OF ISSUING THE SUBPOENA.

18       Sec. 2. Section 41-1152, Arizona Revised Statutes, is amended to read:  
19                  41-1152. Immunity of witnesses; public record; exception

20       A. Testimony or evidence produced pursuant to this article may not be  
21 admitted in evidence or used in any manner in any criminal prosecution  
22 against a natural person sworn and examined before either house of the  
23 legislature or any committee of either house, except for perjury, false  
24 swearing, tampering with physical evidence or any other offense committed in  
25 connection with an appearance required by section 41-1151 if it constitutes  
26 either the compelled testimony or the private papers of such person which  
27 would be privileged evidence pursuant to the fifth amendment of the  
28 Constitution of the United States or article II, section 10 of the  
29 Constitution of Arizona and such person claimed the privilege against  
30 self-incrimination and a majority of the committee, after consultation with  
31 the attorney general, votes to order such person to testify or produce such  
32 papers.

33       B. EVIDENCE PRODUCED PURSUANT TO THIS ARTICLE IS CONSIDERED A PUBLIC  
34 RECORD UNLESS A CLAIM OF CONFIDENTIALITY IS MADE AND THE EVIDENCE IS SUBJECT  
35 TO THE LEGISLATIVE RULES ON THE CONFIDENTIALITY OF INFORMATION.